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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
08 AT SEATTLE

09 UNITED STATES OF AMERICA,)
10) CASE NO. CR06-5528-BHS
11 Plaintiff,)
12)
13 v.)
14 SCOTT A. BYRNE,)
15) SUMMARY REPORT OF U.S.
16 Defendant.) MAGISTRATE JUDGE AS TO
17) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE
)

18 An initial hearing on supervised release revocation in this case was scheduled before me
19 on February 8, 2013. The United States was represented by AUSA Jeffrey Backhus for
20 Michael Dion and the defendant by Jennifer Wellman for Zenon Olbertz. The proceedings
21 were digitally recorded.

22 Defendant had been sentenced on or about April 15, 2009 by the Honorable Robert J.
23 Bryan on a charge of Conspiracy to Commit Armed Bank Robbery, and sentenced to eight
24 months custody (with credit for time served), three years supervised release.

25 The conditions of supervised release included the standard conditions plus the
26 requirements that defendant submit to search, pay restitution in the amount of \$19,216, provide

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01 access to financial information as requested, and be prohibited from incurring new credit
02 obligations or opening new lines of credit without permission. (Dkt. 378.) The case was
03 reassigned to Judge Settle on June 18, 2012.

04 Supervision was modified on July 23, 2012 to require defendant to participate in drug
05 treatment and testing. (Dkt. 400.) On July 30, 2012, defendant's probation officer reported that
06 he tested positive for methamphetamine. Defendant was placed in a structured testing
07 program, and referred for professional assessment, counseling, and intensive outpatient
08 treatment. No further action was taken at the time. (Dkt. 401.)

09 On September 10, 2012, defendant admitted violating the conditions of supervised
10 release by using methamphetamine on or about July 25 and August 13, 2012. Defendant was
11 sentenced to 30 days in custody, two years supervised release. He was further required to
12 participate in mental health treatment and sixty days of home confinement with electronic
13 monitoring. (Dkt. 402, 409.)

14 In an application dated February 6, 2013 (Dkt. 410, 411), U.S. Probation Officer
15 Jennifer Van Flandern alleged the following violations of the conditions of supervised release:

16 1. Using methamphetamine on or about January 11, 2013, in violation of standard
17 condition 7.

18 2. Using methamphetamine on or about January 15, 2013, in violation of standard
19 condition 7.

20 3. Using amphetamine on or about February 1, 2013, in violation of standard
21 condition 7.

22 4. Failing to attend chemical dependency treatment on January 28, 2013, and

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01 February 4, 2013, in violation of the special condition requiring he participate in chemical
02 dependency treatment.

03 Defendant was advised in full as to those charges and as to his constitutional rights.

04 Defendant admitted violations 1, 2, and 3 and waived any evidentiary hearing as to
05 whether they occurred. He requested an evidentiary hearing on violation 4. (Dkt. 412.)

06 I therefore recommend the Court find defendant violated his supervised release as
07 alleged in violations 1, 2, and 3, that the Court conduct an evidentiary hearing on alleged
08 violation 4, and that the Court conduct a hearing limited to the issue of disposition for violations
09 1, 2, and 3. The next hearing will be set before Judge Settle.

10 Pending a final determination by the Court, defendant has been detained.

11 DATED this 8th day of February, 2013.

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13 Mary Alice Theiler
14 United States Magistrate Judge

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17 cc: District Judge: Honorable Benjamin H. Settle
AUSA: Jeffrey Backhus, Michael Dion
18 Defendant's attorney: Jennifer Wellman, Zenon Olbertz
Probation officer: Jennifer Van Flandern
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